

NO. CAAP-22-0000586

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

HAWAIIAN RANCHOS ROAD MAINTENANCE CORPORATION,  
Plaintiff/Counterclaim Defendant-Appellee, v. JERRY HALVORSEN;  
JUDITH BOND, Defendants/Counterclaimants-Appellees, and  
LARRY SHELTON; GEORGE CLINE; RAY RAQUINIO; JERRY FINE,  
Defendants/Counterclaimants-Appellants, and  
DOES 1-20, Defendants/Counterclaim Defendants

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT  
(CIVIL NO. 3CC181000222)

ORDER GRANTING MOTION TO DISMISS

(By: Ginoza, Chief Judge, Wadsworth and Chan, JJ.)

Upon consideration of the Stipulation for Dismissal of Appeal With Prejudice as to Defendants[/Counterclaimants]-Appellants George Cline [(Cline)] and Ray Raquinio [(Raquinio)](stipulation), filed April 28, 2023, by Plaintiff[/Counterclaim Defendant]-Appellee Hawaiian Ranchos Road Maintenance Corporation (HRRMC), the papers in support, and the record, it appears that: (1) the appeal has been docketed and the filing fees have been paid; (2) HRRMC, Cline and Raquinio stipulate to dismiss the appeal with prejudice as to Cline and Raquinio only; (3) the stipulation states that Cline and Raquinio have paid HRRMC a certain sum for attorneys' fees and costs on appeal, and that the parties shall bear on their own any additional attorneys' fees and costs on appeal; (4) the stipulation is dated and signed by counsel for HRRMC, Cline and Raquinio, but not by any other parties or counsel who have appeared in the appeal;

all parties who have appeared in the appeal; (6) no party filed an objection to the stipulation; and (7) because not all parties signed the stipulation, the court will construe it as a motion to dismiss the appeal as to Cline and Raquinio only, under Hawai'i Rules of Appellate Procedure Rule 42(b), and grant the motion.

Therefore, IT IS HEREBY ORDERED that the motion is granted. The appeal is dismissed with prejudice as to Cline and Raquinio. HRRMC, Cline, and Raquinio shall bear on their own any attorneys' fees and costs on appeal beyond those already paid to HRRMC by Cline and Raquinio as of April 28, 2023.

DATED: Honolulu, Hawai'i, May 18, 2023.

/s/ Lisa M. Ginoza  
Chief Judge

/s/ Clyde J. Wadsworth  
Associate Judge

/s/ Derrick H.M. Chan  
Associate Judge